



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

September 11, 1990

Mr. Richard A. Peebles
Attorney for Lee College District
4001 Garth Road, Suite 107
Baytown, Texas 77521

OR90-435

Dear Mr. Peebles:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9121.

Lee College District received an open records request for records pertaining to an investigation of the college's basketball program. You state that all of the requested information has been released to the requestor except for one statement of a student athlete. You contend that this statement comes under the protection of sections 3(a)(3), 3(a)(7), and 3(a)(11) of the Open Records Act. This office need not, however, determine whether any of these exceptions apply to the statement, because the statement constitutes an "education record," see 20 U.S.C. § 1232g(a)(4)(A), and as such is confidential pursuant to the federal Family Education Rights and Privacy Act. 20 U.S.C. § 1232g et seq. Consequently, the district may not release this document.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-435.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le
Ref.: ID# 9121
cc: Lantern Sports Editor
511 Whiting
Baytown, Texas 77520-4703